



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
22645-7085

First named inventor: James M. Kates

Application No.: 10/008,268

Art Unit: 2646

Filed: 11/13/2001

Examiner: Ni, Suhan

Title: DYNAMIC RANGE COMPRESSION USING DIGITAL FREQUENCY WARPING

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of a Petition
Under 37 CFR 1.137(b) to Revive an Unintentionally Abandoned Application (identify type of reply):

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been paid previously on _____.

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

07/15/2005 MAHME1 00000056 502518 10008268

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

	<u>7/11/05</u>
Signature	Date
Michael J. Bolan	42,339
Typed or printed name	Registration Number, if applicable
Three Embarcadero Center, Suite 1800	714-830-0606
Address	Telephone Number
San Francisco, CA 94111-4067	
Address	

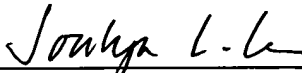
Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other : Transmittal, Communication in Connection with the Filing of a Petition to Revive, Petition for Revival of an Application, Request for Continued Examination (RCE) and Return Receipt Postcard

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.7/11/05

Date



Signature

Jocelyn L. Lee

Typed or printed name of person signing certificate



PATENT
2022645-7002452001
(22645-7085)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No. 2619
)	
James M. Kates)	Group Art Unit: 2643
)	
Serial No.: 10/008,268)	Examiner: Ni, Suhan
)	
Filed: November 13, 2001)	
)	
For: DYNAMIC RANGE COMPRESSION)	
USING DIGITAL FREQUENTLY)	
WARPING)	

**COMMUNICATION IN CONNECTION WITH THE FILING OF A PETITION
TO REVIVE AN APPLICATION UNINTENTIONALLY ABANDONED**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in connection with the concurrently filed Petition to Revive an Application Unintentionally Abandoned (37 C.F.R. § 1.137(b)) for failure to respond or take other action in response to the Advisory Action issued on January 12, 2005. The statutory deadline for placing the application in condition for allowance was April 29, 2005.

In the Advisory Action issued on January 12, 2005, the Office indicated that the response to the Office Action filed by Applicant on December 14, 2004, did not place the application in condition for allowance and that the amendments to the claims would not be entered on appeal

on the ground that it raise new issues that require further consideration and/or search, but that it would be entered upon the filing of a Request for Continued Examination (RCE).

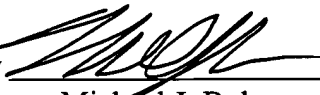
In accordance with 37 C.F.R. § 1.137(b), Applicant respectfully request that the Office enter and consider the amendments filed in reply to the Final Office Action on December 14, 2004.

If the Examiner determines that a telephonic interview would advance prosecution of the application, the Examiner is invited to telephone the undersigned at 714-830-0606.

If the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-2518**, referencing 2022645-7002452001 (22645-7085). However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: 7/1/05

By 
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